

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ron Rymon
Serial No.: 10/087,990
Filed: March 5, 2002
Art Unit: 2194
Examiner: Phuong N. Hoang
Confirmation No.: 4478
Title: METHOD AND APPARATUS FOR ROLE GROUPING
 BY SHARED RESOURCE UTILIZATION

MAIL STOP NOTICE OF APPEAL
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The following Pre-Appeal Brief Request for Review ("Request") is being filed in accordance with the provisions set forth in the Official Gazette Notice of July 12, 2005 ("OG Notice"). Pursuant to the OG Notice, the Request is being filed concurrently with a Notice of Appeal. Applicant respectfully requests reconsideration of the Application in light of the remarks set forth below.

REMARKS

The Office Action issued January 5, 2010 (the "Office Action") rejects Claims 1-27 and 29-35. The Examiner rejects Claims 1-27 and 29-35 under 35 U.S.C. § 112, first paragraph. The Examiner rejects Claims 1-7, 10, 17-18, 25-27, and 29-35 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0233439 filed by Stone ("*Stone*"). The Examiner rejects under 35 U.S.C. § 103(a): Claim 19 over *Stone*; Claims 8-9 and 11-12 over *Stone* in view of U.S. Patent Application Publication No. 2001/0023440 filed by Franklin ("*Franklin*"); and Claims 20-24 over *Stone* in view of U.S. Patent No. 5,941,947 issued to Brown ("*Brown*"). As explained in Applicant's "Amendment

Filed With Request For Continued Examination” filed on October 20, 2009 starting at page 15 (the “RCE”), and discussed further below, these rejections contain clear legal and factual errors.

35 U.S.C. § 112 Rejections

With respect to independent Claim 1, the Examiner alleges that the specification does not support the amended limitation “automatically determined.” Office Action, page 4. For similar reasons, the Examiner objects to independent Claims 25-26, 29-31, and 34-35. *Id.* Before the Office Action was issued, Applicant stated:

As an example of the Specification fully supporting the term “automatically,” Applicants point the Examiner to page 3 of the application, which states, in part: “The present embodiments provide a method and apparatus for **automated** elicitation and specification of implicit roles and tasks, particularly using existing explicit information relating to a user population and its access levels and utilization levels of resources.” Lines 8-11, emphasis supplied.

Response to the Examiner Interview Summary dated November 30, 2009 (emphasis in original). In response, the Office Action states that the “examiner notes that it is in a summary of invention, not in the body of invention where the method can be implemented.” Page 17. This is clearly erroneous since there is no requirement that compliance with the written description requirement must be supported by a portion of the specification other than the “Summary of the Invention” portion.

In addition, the citation provided by the Applicant was only one example of the specification’s compliance with the written description requirement. As another example, the specification states:

Reference is now made to Fig. 3, which is a simplified block diagram of a system for carrying out a search in order to solve the above-described problem. A system 30 comprises a graphical expositor 32 which receives user information, resource information, user access levels, usage and other relevant input, and expresses them in terms of a bipartite graph of the kind shown in Fig. 1. A search engine 34 then carries out a search to group the users into role groups of the kind shown in Fig. 2. A preferred embodiment of the search is described below in respect of Fig. 4.

Page 13, lines 6-13. Further, as another example, pages 14-15 of the specification describe the steps described in Figure 4 performed by a search engine. *See also* Specification, page 8, lines 11-14. As a result, the Section 112 rejection is clearly erroneous and should be overturned.

35 U.S.C. §§ 102 and 103 Rejections

The disclosure of *Stone* does not support a Section 102 rejection of independent Claim 1. Claim 1 recites, in part:

a grouping unit, associated with said discovery unit, configured to use said discovered patterns to form at least one group from said user nodes or said resource nodes using said discovered patterns, such that:

users or resources having all or a subset of at least two links to common resources or users are automatically determined to be placed into a same group, and

the users or resources of the at least one group did not exist as a group prior to the discovery unit searching for patterns within the links[.]

In contrast, *Stone* recites a tool that may be used by an administrator to manually form groups of users using templates that automatically applies attributes to the members of the manually formed groups. At ¶ 94, *Stone* recites:

The administrator may assign attribute values to the group attributes and then save the group as a template. The template can be used to form new groups that have similar attribute values to a selected template that is stored by the central administration tool. Accordingly, in at least some situations the user may save time in administering groups by retrieving templates and making only slight modifications to establish new user groups.

That is, this portion of *Stone* discloses forming a group based on manually added attributes: “The administrator may assign attribute values to the group attributes and then save the group as a template.” In addition, *Stone* discloses that these group templates may be used to form other groups by manually revising the template: “the user may save time in administering groups by retrieving templates and making only slight modifications to establish new user groups.” As a result, the cited portions of *Stone* discloses forming new groups using templates includes manually changing the members of the group and/or keeping the members of the group the same but manually changing the attributes of the group. In the Office Action, the Examiner apparently takes the position that using a template to automatically apply attributes to members of a manually formed group discloses the limitations of Claim 1. Page 17. In contrast, the claim recites “users or resources having all or a subset of at least two links to common resources or users are automatically determined to be placed into a same group,” (emphasis supplied), which is not disclosed by *Stone*’s disclosure of manually changing members of the group. In addition, the claim recites “the users or resources of the at least one group did not exist as a group prior to the discovery unit searching for patterns

within the links,” (emphasis supplied), which is not disclosed by *Stone*’s disclosure of keeping the members of the group stored in the template as the members of the newly formed group using the template. For analogous reasons, Claims 25-27, 29-31, and 34-35 are also not disclosed by the cited portions of *Stone*.

With respect to dependent Claim 3, Applicant has provided reasons as to why the Section 102 rejection under *Stone* is improper. *See* RCE at page 15. In response, the Office Action states that *Stone*’s disclosure of a “user access to particular applications/resources” reads on the claim’s recitation of “wherein said links comprise usage levels of respective resources by respective users.” Office Action, page 17. The Examiner’s reading of the claim is clearly erroneous since it ignores the word “levels” in the claim by equating a user accessing a resource with “usage levels” of resources.

The disclosure of *Stone* does not support a rejection of independent Claim 7 under Section 102. In part, Claim 7 recites a search engine operable to: “iteratively [] add resources and remove users not having a predefined relationship with said iteratively added resources, to meet a resource number, or a user number constraint.” The Examiner cites to ¶¶ 60, 88, and 97 of *Stone* as disclosing this limitation. Office Action, page 7. There, however, *Stone* merely discloses administration tools that allows manual modification of groups and users. The Examiner’s rejection is clearly erroneous because the Examiner has not indicated how these portions of *Stone* disclose the “predefined relationship” and “user number constraint” recited by the limitation, much less a search engine operable to “add resources and remove users” using the “predefined relationship” and “user number constraint” as recited in the claim.

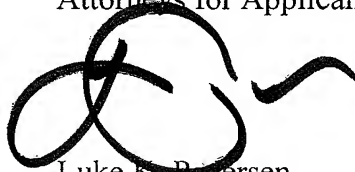
With respect to dependent Claims 22 and 23, Applicant has provided reasons as to why the Section 103 rejection under the proposed *Stone-Brown* combination is improper. *See* RCE at pages 16-17. The cited portions of *Brown* disclose how a network may be traversed by a user when it is organized as an acyclic graph (a graph where child nodes may have more than one parent node). In response to Applicant’s arguments, the Examiner contends that the “child node” of *Brown* is a “sub-graph” and “the whole hierarchical graph” of *Brown*. Office Action, pages 17-18. The Examiner has committed clear error by ignoring the language of Claim 22: “wherein said discovery unit is further operable to perform groupings on each of the subgraphs, and then to merge the results into a full graph.” Merely reciting a graph with

subgraphs cannot disclose the recited limitations of performing groupings on subgraphs and merging the results of the groupings into a full graph.

CONCLUSION

As the rejections of Claims 1-27 and 29-35 contain clear legal and factual deficiencies, Applicant respectfully requests full allowance of these claims. To the extent necessary, the Commissioner is hereby authorized to charge any required fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicant

A handwritten signature in black ink, appearing to be 'Luke K. Pedersen', with a stylized flourish at the end.

Luke K. Pedersen
Reg. No. 45,003

Date: April 2, 2010

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